

Application No.: 10/687,167
Docket No.: P11735USNA

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REMARKS

Applicant requests that the Examiner reconsider the application in light of the amendments and following remarks. Claims 1-3 are pending. Claim 1 has been amended. No new matter has been added. Support for the claim amendment can be found throughout the description especially on

page 5 lines 12-18 (for insertion of 'water' in line 4 in amended claim 1),
page 3 lines 32-34 and page 4 lines 10-12 (for changing 'solid crystals' to 'solid adipic acid crystals' in amended claim 1),
page 6 lines 25-26 (for change in lines 17-18 in amended claim 1), and
page 5 lines 24-26 and page 6 lines 20-22 (for insertion at the end of amended claim 1).

Claim Rejections – 35 USC §112:

Claims 1-3 have been rejected under 35 USC §112, second paragraph, as being indefinite due to the recitations of "(K)" and "(A)" in claim 1 line 3. Said "(K)" and "(A)" have been deleted in currently amended claim 1. Claim 1 and its dependent claims 2 and 3 are, therefore, clear and definite.

Claim Rejections – 35 USC §103:

Claims 1-3 have been rejected under 35 USC §103(a) as being unpatentable over Mock (US 4,254,283). Applicant respectfully disagrees. Applicant submits that characteristic features of the present invention are

that crystal harvest is harvested only after the final stage of crystallization and not after any stage prior to the final stage,

that solid adipic acid crystals should be present at a concentration of at least about 10 wt% based on the combined weight of the mother liquor in the first crystallizer product as well as in the subsequent crystallizer products,

that the feed solution contains about 25 to 45% nitric acid and the crystals produced in all the stages are crystals of adipic acid, and

that at least a part of cooling in the crystallizers is accomplished by evaporating at a sub-atmospheric pressure a portion of water and nitric acid.

Mock teaches a crystallization process wherein crystal harvest is harvested after each stage of crystallization and only the mother liquor is introduced into the next stage. See for example, column 3 line 34-46 of Mock (US 4,254,283). Furthermore, according to Mock the crystals produced in the first and second stage are crystals of both adipic acid and succinic acid not crystals of adipic acid only.

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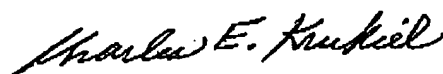
In the process taught by Mock, the feed solution for the crystallizers is essentially free of nitric acid since it is produced by evaporating nitric acid and water from an adipic mother liquor containing nitric acid in the dibasic acid evaporator. See for example, column 3 line 27-46 and column 4 lines 33-35 of Mock (US 4,254,283).

Clearly, the crystallization process disclosed in the present application is distinctly different from the crystallization process taught by Mock and the present application does not employ the process of Mock. Therefore, claims 1-3 as presented in the amended claims are not obvious in view of Mock and, therefore, should be patentable.

Therefore, claims 1-3 are novel and non-obvious and are in a condition for allowance.

Applicants would like to thank Examiner for the attention and consideration accorded the Application. Should Examiner determine that any further action is necessary to place the Application in condition for allowance, Examiner is encouraged to contact undersigned Counsel either by telephone or by e-mail. It is not believed that any fees for additional claims, extensions of time, or the like are required beyond those that are otherwise indicated in the documents accompanying this paper. However, if such additional fees are required, please charge or credit the balance to Deposit Account 50-3223 (Invista North America S.à r.l.).

Respectfully submitted,



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